

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/554,291  
Applicant : Roberto Tonelli et al.  
Filed : September 18, 2006  
Docket No. : BUG5-38919

**RESPONSE TO NOTICE TO COMPLY**

Sir:

In response to the Office action (a Notice to Comply) mailed on September 8, 2008 (copy enclosed) Applicant is submitting a copy of the Sequence Listing in ASC II format. Applicant is also enclosing a copy of the Sequence Listing in paper form (pdf). Please enter this Sequence Listing into the present application. The content of the enclosed paper copy (pdf) and computer-readable copy (ASC II) of the Sequence Listing (a) are the same; (b) are the same as the Sequence Listing filed on June 23, 2008, and (c) include no new matter.

If any additional fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. BUG5-38919.

Respectfully submitted,  
PEARNE & GORDON LLP

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Date: 9-19-08

<b>Notice to Comply</b>	<b>Application No.</b> 10554291	<b>Applicant(s)</b> TONELLI ET AL.
	<b>Examiner</b> Sean R. McGarry	<b>Art Unit</b> 1635

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
 For CRF Submission Help, call (571) 272-2510  
 PatentIn Software Program Support  
 Technical Assistance, 1-866-217-9197 or 703-305-3028 or 571-272-6845  
 PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

/Sean R McGarry/ Primary Examiner, Art Unit 1635	
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